

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 JANET HILLER,

5 Petitioner,

6 v.

7 WARDEN NEVEN, *et al.*,

8 Respondents.
9

Case No. 2:19-cv-00260-RFB-GWF

SCHEDULING ORDER

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11 This action is a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254,
12 by Janet Hiller, a prisoner at Nevada's Jean Conservation Camp. The Court appointed
13 counsel to represent Hiller on April 2, 2019 (ECF No. 5). Counsel appeared for Hiller on
14 April 22, 2019 (ECF No. 10). Counsel appeared for the respondents on April 17, 2019
15 (ECF No. 9). Therefore, the Court will set a schedule for further proceedings in this
16 action, as follows.

17 Amended Petition. If necessary, Petitioner shall file an amended petition for writ
18 of habeas corpus within 90 days after entry of this order. The amended petition shall
19 specifically state whether each ground for relief has been exhausted in state court; for
20 each claim that has been exhausted in state court, the amended petition shall state
21 how, when, and where that occurred. If Petitioner determines that an amended petition
22 need not be filed, then, within 90 days after entry of this order, Petitioner shall file a
23 notice to that effect.

24 Response to Petition. Respondents will have 60 days following service of the
25 amended petition to file an answer or other response to the amended petition. If
26 Petitioner does not file an amended petition, Respondents will have 60 days following
27 the due-date for the amended petition to file an answer or other response to Petitioner's
28 original petition.

1 Reply. Petitioner will have 45 days following service of an answer to file a reply.
2 Respondents will thereafter have 30 days following service of a reply to file a response
3 to the reply.

4 Briefing of Motion to Dismiss. If Respondents file a motion to dismiss, Petitioner
5 will have 60 days following service of the motion to file a response to the motion.
6 Respondents will thereafter have 30 days following service of the response to file a
7 reply.

8 Discovery. If Petitioner wishes to move for leave to conduct discovery, Petitioner
9 shall file such motion concurrently with, but separately from, the response to
10 Respondents' motion to dismiss or the reply to Respondents' answer. Any motion for
11 leave to conduct discovery filed by Petitioner before that time may be considered
12 premature, and may be denied, without prejudice, on that basis. Respondents shall file
13 a response to any such motion concurrently with, but separately from, their reply in
14 support of their motion to dismiss or their response to Petitioner's reply. Thereafter,
15 Petitioner will have 20 days to file a reply in support of the motion for leave to conduct
16 discovery.

17 Evidentiary Hearing. If Petitioner wishes to request an evidentiary hearing,
18 Petitioner shall file a motion for an evidentiary hearing concurrently with, but separately
19 from, the response to Respondents' motion to dismiss or the reply to Respondents'
20 answer. Any motion for an evidentiary hearing filed by Petitioner before that time may
21 be considered premature, and may be denied, without prejudice, on that basis. The
22 motion for an evidentiary hearing must specifically address why an evidentiary hearing
23 is necessary and must meet the requirements of 28 U.S.C. § 2254(e). The motion must
24 state whether an evidentiary hearing was held in state court, and, if so, state where the
25 transcript is located in the record. If Petitioner files a motion for an evidentiary hearing,
26 Respondents shall file a response to that motion concurrently with, but separately from,
27 their reply in support of their motion to dismiss or their response to Petitioner's reply.
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1 Thereafter, Petitioner will have 20 days to file a reply in support of the motion for an
2 evidentiary hearing.

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4 DATED this 23rd day of April, 2019.

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8 RICHARD F. BOULWARE, II,
9 UNITED STATES DISTRICT JUDGE
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